

# Rules and Regulations

## Formatting and Filing Manual

### *Rhode Island Administrative Procedures Act*

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# Table of Contents

1.1	Formatting Guidelines .....	4
1.1.1	Guidelines to formatting your RICR document .....	4
1.1.2	Do's and Don'ts .....	5
1.1.3	Working with the RICR Template and Microsoft Word .....	5
1.1.4	Style a Table in Word .....	10
1.1.5	Graphics .....	10
1.1.6	Definitions .....	11
1.1.7	Citations .....	11
1.1.8	Troubleshooting Formatting Problems .....	17
1.1.9	RICR Classification System .....	20
1.1.10	RICR Code Structure .....	24
1.2	Filing Guidelines .....	27
1.2.1	Notice of Proposed Rulemaking (§ 42-35-2.7) .....	27
1.2.2	Finalizing Rules and Regulations and Filing (§ 42-35-4) .....	32
1.2.3	Direct Final Rules (§ 42-35-2.11) .....	34
1.2.4	Emergency Rules (§ 42-35-2.10) .....	36
1.2.5	Technical Revisions for Making Minor Non-Substantive Corrections (§ 42-35-4(b)) .....	37
1.3	Requirements under the APA .....	38
1.3.1	Rulemaking Agenda (§ 42-35-5.1) .....	38
1.3.2	Guidance Document Index (§ 42-35-2.12) .....	38
1.3.3	Declaratory Order and Index (§ 42-35-8) .....	39
1.3.4	Advance Notice of Proposed Rulemaking (§ 42-35-2.5) .....	39
1.3.5	Petition for Promulgation of Rules (§ 42-35-6) .....	39
1.3.6	Petition for Declaratory Order (§ 42-35-8) .....	40
1.3.7	Conduct of Public Hearings (§ 42-35-2) .....	40
	Appendix 1: Examples of Styles in the RICR Template .....	42

Appendix 2: Example of Regulation in the RICR Style .....	43
Appendix 3: Regular Rulemaking Process .....	46
Appendix 4: Direct Final Rulemaking Process.....	47
Appendix 5: Emergency Rulemaking Process.....	48
Appendix 6: Public Notice of Proposed Rulemaking Template .....	49
Appendix 7: Concise Explanatory Statement Template.....	52
Appendix 8: Example Guidance Document Index .....	53
Appendix 9: Example Declaratory Order Index.....	54
Appendix 10: Sample Petition for Promulgation of Rules .....	55
Appendix 11: Sample Petition for Declaratory Order .....	57
Appendix 12: Sample Conduct of Public Hearings Regulation .....	60

# 1.1 Formatting Guidelines

## 1.1.1 Guidelines to formatting your RICR document

- A. The standard font to use for rules documents is Arial size 12.
- B. Use only the RICR-specific styles. After installing the RICR Template, you may see additional styles in the drop-down list of styles, styles that Word has automatically generated. Those additional styles do not affect the documents you create, but remember, use only the RICR specific styles.
- C. Do not use the Design ribbon in Word to apply styles to your document. Use the Styles available in the Home ribbon.
- D. To view examples of what the text looks like when the various styles are applied, see [Appendix 1 Examples of Styles in the RICR Template](#) or [Appendix 2 Example of Regulation in the RICR Style](#).
- E. When you copy and paste text from an existing document, you can avoid introducing additional styles by selecting “Paste Special” from the “Edit” menu, and then select “Unformatted Text”, but this option will also remove Bold, Italics and Underlines.
- F. It is not permitted for a user to apply Bold, Italics and/or Underlines in the document for any reason except to track changes or, in the case of Italics only, Latin/legal terms. Some RICR Styles will apply Bold to text as part of the style but it may not be applied manually outside of the RICR Styles. They may not be used for emphasis. It may be necessary to click on a selected RICR style twice to apply the changes when cutting and pasting into the template to remove any remaining formatting such as underlines, bold, etc.
- G. Each paragraph in a rule should have its own appropriate number/letter for citation purposes (except for Definitions- see [§ 1.1.6 Definitions](#)).
- H. You can review your Title structure by clicking “View” at the top of the document, then checking “Navigation Pane”.
- I. If you want the tables in your document to be searchable, create simple tables that can appear within the rule text.
- J. Table of contents (TOC) may be included in submitted rules. The TOC should start at the top of a new page. A page break should follow the TOC. Pages including the TOC should not contain any other content.
- K. You may not use any headers or footers in your rule. No page numbers or footnotes should appear in your rules. Citations should be handled in the body of the document and should be formatted in accordance with [§ 1.1.7 Citations](#).

- L. When submitting a rule using the Department of State Rules and Regulations Database Submission Tool, please add the RICR citation in parenthesis following the title of the rule in Filing Form Section 2. Title of Rule.

Example: Rules Applicable to Nonregulated Power Producers (815-RICR-40-05-1)

- M. Contact the Administrative Records Office staff if you need help creating documents or with the Rules and Regulations Database Submission Tool.

### **1.1.2 Do's and Don'ts**

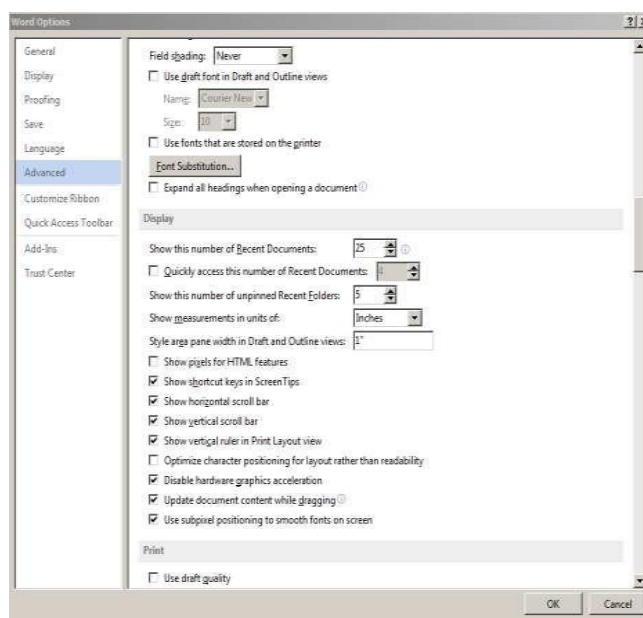
- A. Final rules files must be saved as a PDF file. This file must be created from the original word processing document so that it is searchable. Scanned PDFs are not acceptable.
- B. Be sure to apply RICR styles to all text.
- C. Use track changes or strike-out and small caps to indicate amendments in proposed rules and redline documents.
- D. Number rules and insert bullets manually. Turn off automatic numbering and bullets.
- E. Tabs need to be inserted between the rule number and the text of the heading or paragraph for proper alignment.
- F. Use the paragraph styles to indent your paragraphs and tab to properly align the first line.
- G. Do not insert an additional hard return after a heading or a paragraph as the template automatically inserts a line space when you start a new heading or paragraph.

### **1.1.3 Working with the RICR Template and Microsoft Word**

- A. Download the RICR Template
  - 1. Download the RICR Template (RICR Template) from <http://sos.ri.gov/divisions/open-government/state/rules-and-regulations>  
or  
[http://sos.ri.gov/dar\\_filing/front/](http://sos.ri.gov/dar_filing/front/) (REQUIRES LOGIN CREDENTIALS).
  - 2. Save the template on your local drive.
  - 3. The RICR Template contains all RICR styles necessary to format your document correctly.

## B. How to Display the Style Area in the Document Window

1. You can quickly verify what style has been applied to each heading or paragraph by displaying the “style area pane” or “Navigation” pane to the left of your document.
2. In Office 2010 and later (except Outlook):
  - a. Click File.
  - b. Click Options.
  - c. Click Advanced.
  - d. Change the “Style area width” to 1 inch and click OK at the bottom of the “Word Options” window.
  - e. You can change views at any time by clicking the “Draft View” icon in the “View” menu at the top of the screen.



## C. Display Styles Window

1. Styles can also be applied from the “Styles” window. To display the Styles window:
  - a. Click on the small arrow at the bottom right corner of the “Styles” block of the ribbon that displays when you select the “Home” tab.
  - b. The “Styles” window will open to the right of your document.



## D. Turning off Auto Numbers and Auto Bullets

You may want to turn off auto-numbers and auto-bullets as both need to be manually keyed in Rules documents. In Office 2010 and later (except Outlook):

1. Click File.
2. Click Options.

3. Click Proofing.
4. Click AutoCorrect Options.
5. Select “AutoFormat As You Type”.
6. Deselect “Automatic bulleted lists” and “Automatic numbered lists”.

E. Pasting Rule Text into the RICR Template

1. Open your rules document.
2. Select all the text (Ctrl + A) and copy (Ctrl + C).
3. Close the document.
4. Navigate to the RICR Template saved on your local drive and open it.
5. Paste your text (Ctrl + V) into the new document.
6. Save As an .rtf or .doc file with a new name.
7. You can now begin to type new text or copy and paste text from an existing document, and then apply the RICR Template styles.

F. Creating Rules Documents and Applying RICR Styles to the Text

1. Proposed Rules Document

**Track Changes Method:** To create a “Proposed Rules” document, you can use the Track Changes feature in Word or “strike-out” and “small caps”.

- a. Track Changes can be found on the “Review” tab ribbon. Select it to turn it on.
- b. After completing the changes save your document as an .rtf or a .doc file.
- c. Now add your Notice of Proposed Rulemaking to the beginning of this document and save your proposed rules packet as a .pdf for upload to the Rules and Regulations Database Submission Tool.

**Manual Method:** Some agencies prefer not to use Track Changes and to manually create a redline (proposed rules) document. To manually strikeouts text:

- a. Select the text and then click on the bottom right corner of the “Font” block of the “Home” tab ribbon.

- b. When the window opens, click the “Strikethrough” check-box and close the window.
- c. Before typing new text to be inserted, open the “Font” window, click the check-box next to “Small Caps” and close the window.
- d. It may seem laborious to use small caps instead of using caps lock, but if you use this method, both the stricken text and caps can be removed in minutes when you are ready to create your final rules document. To make this process simpler, keyboard shortcuts or toolbar buttons can be set up.

## 2. Final Rules Documents

### **Track Changes Method:**

- a. Accept the changes and review the document to make sure all the changes appear correctly.
- b. Save your document as a PDF file. The proposed rules document may be used as the redline document, but may need to be modified after the hearing.

### **Manual Method:**

- a. Use the “Replace” feature found on the “Home” tab ribbon to remove stricken language.
- b. After opening the Replace window, place your cursor in the “Find what” field, select the “More” button and then select “Format” and “Font”.
- c. When the “Font” window opens, select “Strikethrough” and click “OK”.
- d. Complete the process by selecting “Replace All” and close the window.
- e. All stricken text should now be removed.
- f. To change the “Small caps” to normal font, select all text (Ctrl + A), select “Font” under the “Edit” drop-down and deselect “Small caps” and close the window.
- g. All the text should now be changed to normal font.



- h. Review and proof your document for accuracy and save the file as an .rtf or a .doc file for your records and a PDF for upload to the Rules and Regulations Database Submission Tool.

## G. Applying Styles to Text

Styles can be applied by displaying the Styles Window to the right of your document.

To apply styles, use one of the following two methods:

1. Select a style and insert new text.
  - a. Choose the style you would like to use.
  - b. Type your text or insert Unformatted Text or Formatted Text (RTF) from another document using “Paste Special”.
  - c. The style chosen applies to all text inserted from that point and forward.

**REMEMBER:** Pasting as “Unformatted Text” will remove all Bold, Italics and Underlines.
2. Apply a style to existing text.
  - a. Click anywhere in a paragraph or heading, or highlight (select) the text to be styled.
  - b. Click on the style you would like to apply.
  - c. The style chosen applies to all text in the paragraph or heading up to the point of the first hard return, or all highlighted or selected text, which allows you to select more than one paragraph.

**REMEMBER:** No matter what “Title” level (heading level) the text of the rule falls under, whether the text is under a Title 1 or a Title 4, always start the text of the rule using the ‘RICR Paragraph 1’ style.

## H. Numbered or Bulleted Paragraphs

### **For numbered paragraphs:**

1. Select the ‘par’ style you would like to use, depending on the level of the paragraph.
2. You will need to manually number paragraphs. Type the paragraph number, then insert a tab.
4. Type or insert the text of the paragraph.

### For bulleted paragraphs:

1. Select the 'par' style you would like to use, depending on the level of the paragraph.
2. Insert a bullet and then type or paste in the text of the bulleted paragraph.

**REMEMBER:** Do not use Auto-Numbering or Auto-Bullets created in Word. All numbers or bullets must be inserted manually.

### 1.1.4 Style a Table in Word

- A. Create tables using Word's Table feature found on the "Insert" tab. If possible, avoid using partial borders. You can apply bold and italics. You can also use merged cells and shading in your tables.

### 1.1.5 Graphics

- A. When filing documents with the Department of State you may leave maps and figures embedded in your rules documents.
- B. Graphics and large tables can be presented in landscape view, for better appearance and usability.
- C. Figures, graphics, and tables should be treated as paragraphs and subparagraphs using the appropriate RICR styles. The title of the figure, graphic, or table should be styled at the appropriate level. The actual figure, graphic, or table should be styled as if it were text below the paragraph-level style.

Example:

1. Structural Shoreline Protection Standards for Coastal Greenways

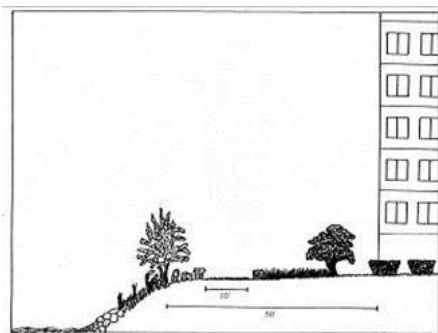


Figure 3: Hypothetical site plan showing a vegetated revetment on a site with parking on the ground level of the new structure. Drawing by Thomas VanHollebek, URI Coastal Resources Center/Rhode Island Sea Grant.

### 1.1.6 Definitions

- A. Use the following guidelines for formatting definitions:
1. Place definitions towards the beginning of the regulation.
  2. Arrange the words or specific terms in alphabetical order.
  3. Uppercase the first letter of the first word in each definition. All subsequent words in each definition should be lowercase, unless words are proper nouns.
  4. Place the word or term being defined within quotation marks.
  5. Immediately after the word or term being defined, insert the word “means.”
  6. Avoid using dashes, slashes or parentheses in a term being defined. For example, use “Individualized education plan” or “IEP” means... instead of “Individualized education plan (IEP)” means....
  7. Definitions are not required to have individual paragraph numbers or letters.

### 1.1.7 Citations

The purpose of this section is to provide a uniform system of citation to agencies when revising/reformatting their regulations through the APA Revision process. Materials not addressed in this section should not be cited or referenced within regulations.

What is outlined below is a uniform citation which takes into account (1) ease for the non-lawyer reader; (2) ease for the non-lawyer agency drafter; (3) ease for the out-of-state reader; (4) how other states cite to materials in their regulations; and (5) the requirements of the Rhode Island APA.

#### A. INCORPORATION BY REFERENCE VERSUS CITATION

1. Before you can cite to the material, you need to identify what type of material you are citing to and whether you are incorporating it by reference.

##### a. INCORPORATION BY REFERENCE

###### (1) Federal Regulations

The Rhode Island APA allows agencies to incorporate federal regulations by reference. This includes materials properly incorporated by reference in federal regulations. Incorporation by reference is a drafting tool which allows

agencies to give legal effect to federal regulations to allow for state level enforcement without publishing the regulation in full.

(2) Scientific/Technical Materials

The Rhode Island APA also allows agencies to incorporate “published codes, standards or guidelines of any nationally recognized scientific or technical association or organization” which is “regularly in the business of developing scientific or technical standards or guidelines, is recognized by those in the relevant professional community as having a high degree of expertise and competence in its field, and whose publications are widely distributed and easily available throughout the nation and the state of Rhode Island.”

This is a drafting tool which allows an agency to give a code, standard or guideline of such an organization full legal effect (full force of law) so that the agency can then enforce compliance with that code, standard or guideline.

Note: You cannot cite or incorporate guidance documents, agency policy or agency guidelines.

b. CITATIONS

- (1) State and federal statutes already have the force of law behind them and therefore you need not “incorporate” them formally, you can simply reference them. State of Rhode Island regulations that have been properly promulgated are analogous to state statutes in that they already have the force of law behind them on a statewide level. As such, they can be referenced without formally “incorporating” them into the regulation. This is a particularly helpful tool to avoid conflicting regulations.

Incorporation by Reference: You can only incorporate by reference:

- Citation: You can only cite to the following sources without formally incorporating them by reference:

## B. HOW TO CITE MATERIALS

## 1. HOW TO CITE TO A FEDERAL STATUTE

a. Full Citation:

b. Short Citation:

42 U.S.C. § 9601.

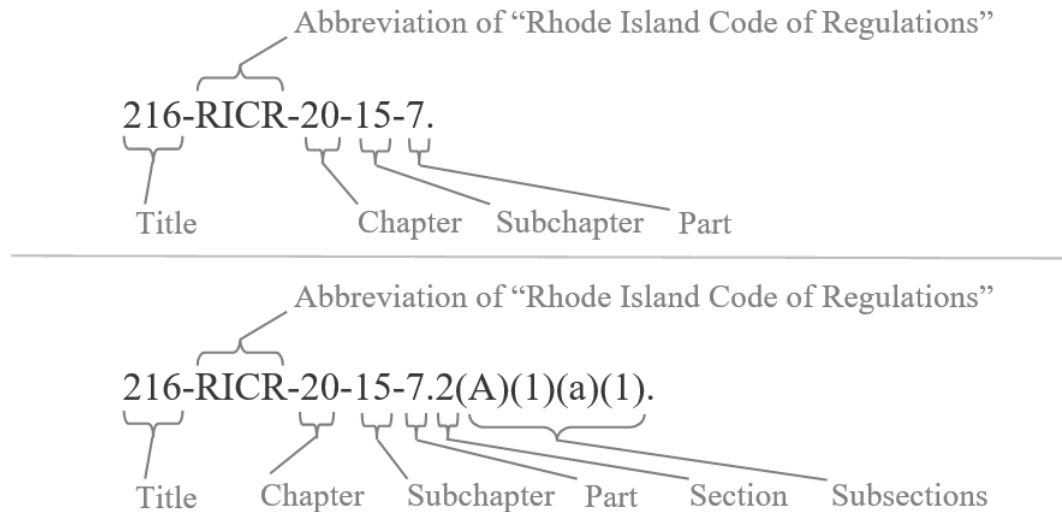
**Note:** Only write the full name of the statute the first time it is cited within a Part. After the statute has been cited once in a Part, you can use the short citation.

## 2. HOW TO CITE TO A RHODE ISLAND STATUTE

Note: You can find the “Section” symbol (§) in Word under “Insert”> “Symbol” > “Special Characters”. You can create a shortcut key to quickly access the § symbol if you will be using it frequently.

### 3. HOW TO CITE TO A RHODE ISLAND REGULATION

#### a. When citing to a different Title:



#### b. Citing within the same Part

- (1) Citing to a Section within a Part: § 7.2 of this Part.
- (2) Citing to a Subsection within a Part: § 7.2(A) of this Part.

#### c. Citing within the same Subchapter

- (1) Citing to a Part within the same Subchapter: Part 7 of this Subchapter.
- (2) Citing to a Section within the same Subchapter: § 7.2 of this Subchapter.
- (3) Citing to a Subsection within the same Subchapter: § 7.2(A) of this Subchapter.

#### d. Citing within the same Chapter:

- (1) Citing to a Subchapter within the same Chapter: Subchapter 15 of this Chapter.
- (2) Citing to a Part within the same Chapter: Subchapter 15 Part 7 of this Chapter.

- (3) Citing to a Section or Subsection within the same Chapter: § 15-7.2(A) of this Chapter.
- e. Citing within the same Title
  - (1) Citing to a Chapter within the same Title: Chapter 20 of this Title.
  - (2) Citing to a Subchapter within the same Title: Subchapter 20-15 of this Title.
  - (3) Citing to a Part within the same Title: Part 20-15-7 of this Title.
  - (4) Citing to a Section or Subsection within the same Title: § 20-15-7.2(A) of this Title.

Note: If you are citing a rule that has not been given a RICR citation, use the title of the citation (i.e. “Department of Health Rules and Regulations Regarding Health Care Workers.”)

## C. HOW TO INCORPORATE A MATERIAL BY REFERENCE

- 1. Step by Step Guide for Incorporation by Reference
  - a. Step One: Create an “Incorporated Materials” Section. We recommend that this come between the “Authority” and “Definition” sections of the regulation.
  - b. Step Two: Create a subsection for each material you wish to incorporate by reference.
  - c. Step Three: Add language “These regulations hereby adopt and incorporate [insert citation] by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.”
  - d. Step Four: Insert citation in format described below.

Note: If the material is not considered a federal regulation, a material properly incorporated by reference in a federal regulation or a scientific/technical material, it cannot be incorporated by reference.

2. EXAMPLE OF INCORPORATED BY REFERENCE SECTION WITH CORRECT CITATIONS

### 3.3 Incorporated Materials

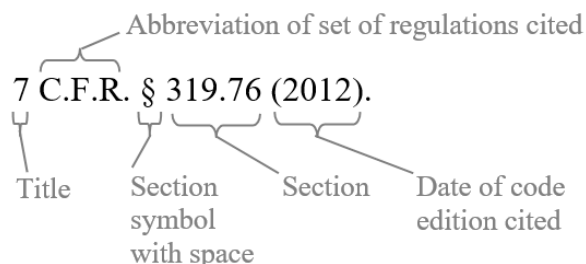
- A. These regulations hereby adopt and incorporate 16 C.F.R. § 444.1 (2014) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate the American Medical Association's "Standards for Taking Blood Samples" (2001) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- C. These regulations hereby adopt and incorporate the "National Geological Society Guidelines for the Safe Gemstone Excavation" (2015) by reference, not including any further editions or amendments thereof and only to the extent that the provisions herein are not inconsistent with these regulations.

Note: You can cite to the incorporated material in the body of your regulation by referencing the Incorporated Materials subsection.

a. Examples:

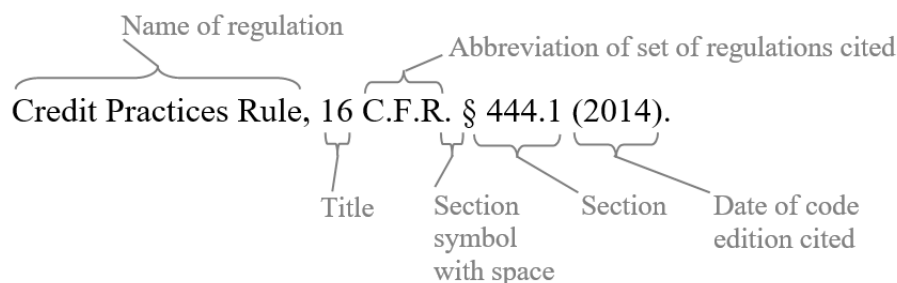
- (1) Phlebotomists must maintain their syringes in the manner prescribed in "Standards for taking Blood Samples", incorporated above at § 3.3(B) of this Part.
- (2) Geologists must mine for diamonds in accordance with "National Geological Society Guidelines for the Safe Gemstone Excavation", incorporated above at § 3.3(B) of this Part.

D. CREATING CITATION FOR INCORPORATION OF FEDERAL REGULATIONS BY REFERENCE





1. Give the name of the regulation only if the regulation is commonly cited that way:



Note: When you submit your incorporated material to the Secretary of State's office, be sure to send the URL of your material with it.

Note: You should be incorporating the most recent version of the C.F.R. If you have previously referenced a C.F.R. from a prior year, changing the year will be a substantive change that should be marked by track changes.

Note: The year is required for all materials incorporated by reference.

#### E. CREATING CITATION FOR INCORPORATION OF SCIENTIFIC/TECHNICAL MATERIALS BY REFERENCE

1. The Rhode Island APA requires that the reference include the name of the association or organization, the title of the material and the date of the material.

Note: When you submit your incorporated material to the Secretary of State's office, be sure to send the URL of your material with it.

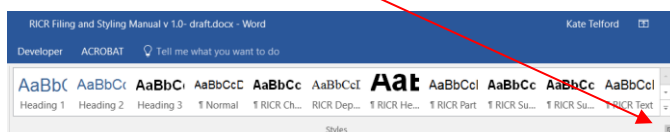
### 1.1.8 Troubleshooting Formatting Problems

- A. Occasionally, when you open a document, the text may appear to have lost the styles you have applied. If that happens, try Copying and Pasting into a new Template Document:

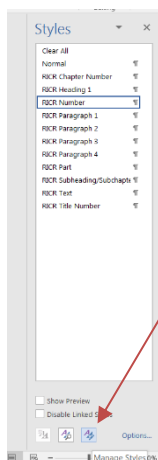
1. Select all the text (ctrl + A) and copy it (Ctrl + C).
2. Close the document.
3. Navigate to the RICR Template saved on your local drive and open it.
4. Paste your text (Ctrl + V) into the new document.
5. Save As an .rtf or .doc file with a new name.

- B. Turning off style restrictions in the RICR Template

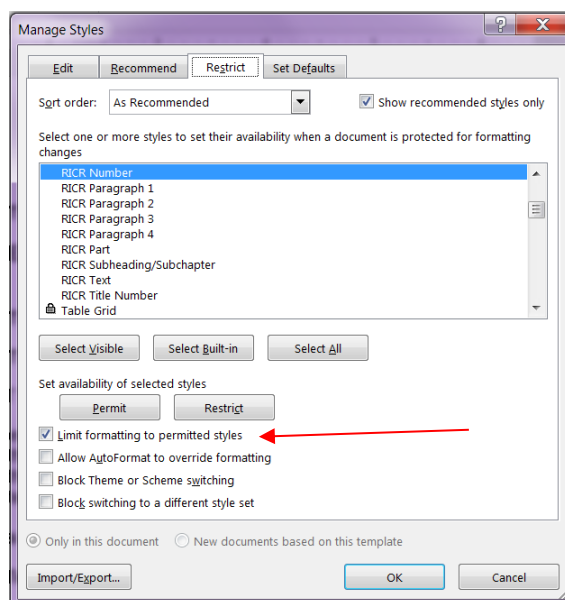
1. Pop the Style Window out to anchor on the right side of your document by clicking on the small box at the bottom right of the Style ribbon.



2. Click on Manage Styles button.



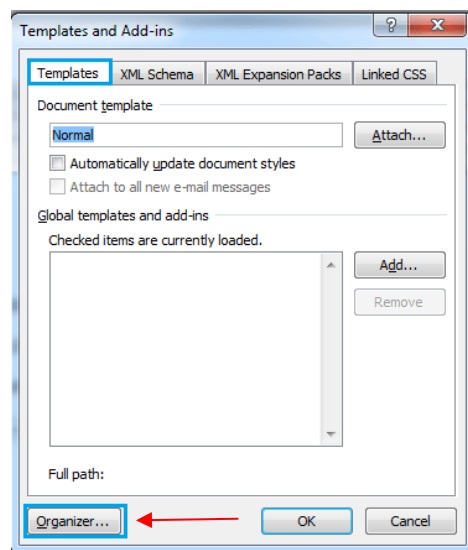
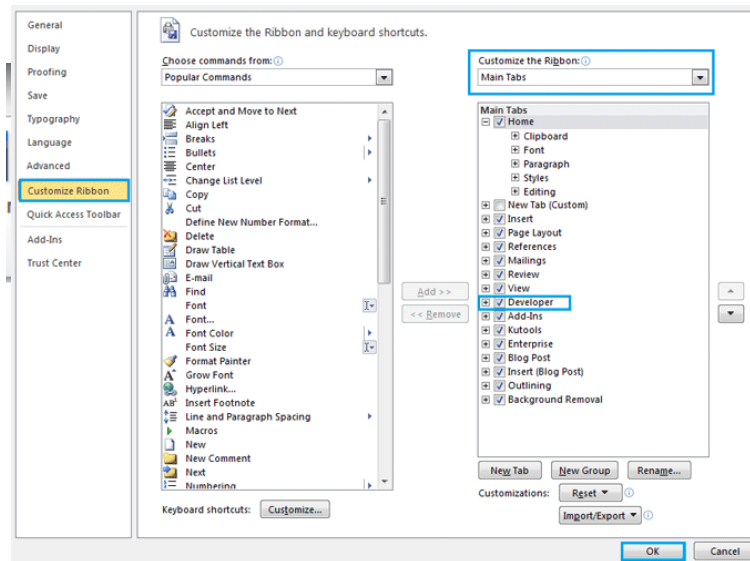
3. Click -> Restrict tab and unclick the Limit formatting to permitted styles check box -> click OK.



4. You can always turn the restriction back on following the same steps and clicking->Limit formatting to permitted styles->OK. When you turn the Restriction back on you will receive a pop-up box. You do not need to enter a password. Just click ->OK.

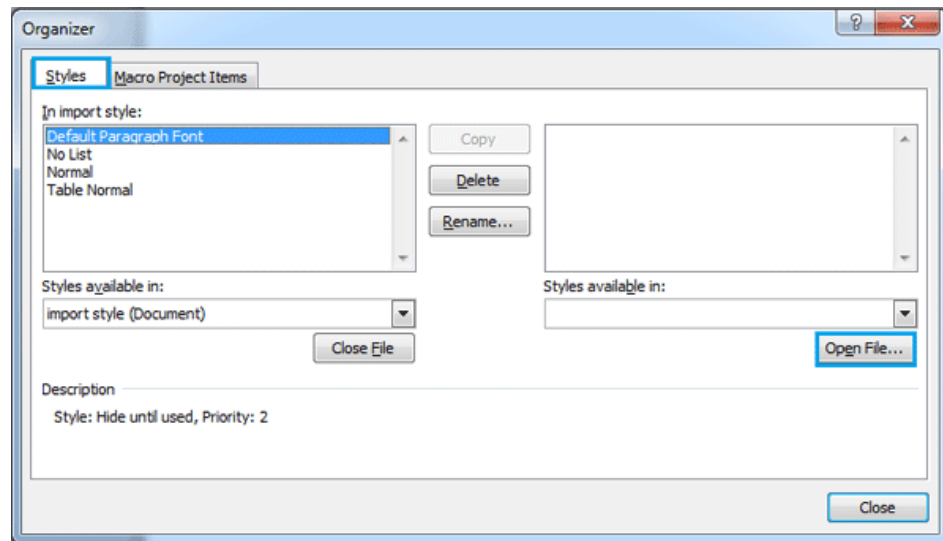
## C. Importing RICR Styles into any Word document

1. Open the document you want to import style to in Word then click File>Options>Custom Ribbon to add the Developer under the Main Tabs to ribbon.

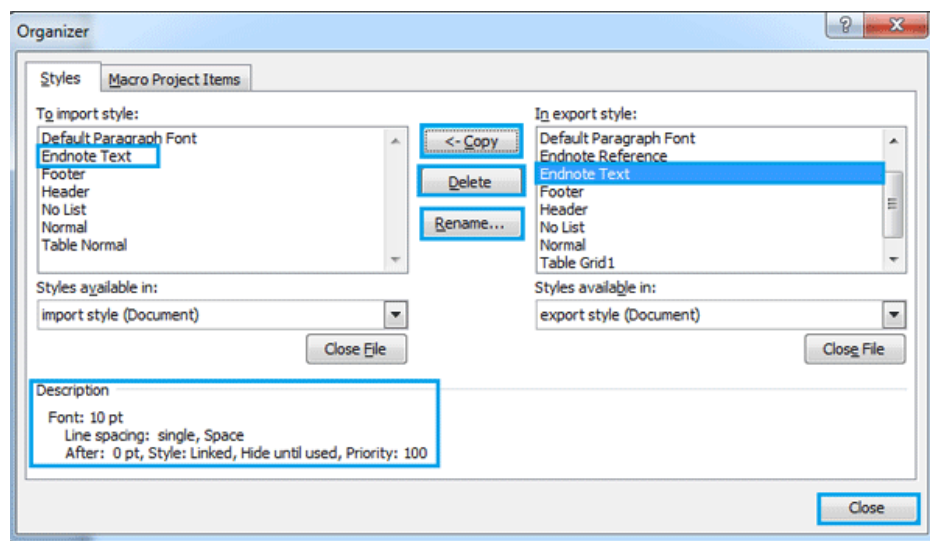


2. Click Document Template under Develop Tab, there will be a popup dialog, and click Organizer.
3. There will be another popup dialog, click Close File on the right.

4. Click Open File, and select RICR-Template.dotx, then click Open.



5. After opening the RICR-Template.dotx, you can select the RICR styles in the right box and click Copy, it will copy the style to the left box.



6. After the copy, click Close, the style importing is finished.

### 1.1.9 RICR Classification System

The Rhode Island Code of Regulations (RICR) is a classification system that orders regulation by agency. Each agency is then organized into chapters, sub-chapters, parts, and sections.

The RICR has five (5) major divisions:

- Title:** Agency name.
- Chapter:** A core function of the agency. Some smaller agencies may not need this level, but it is required and will be labeled “00” if not applicable.
- Sub-Chapter:** Topic area within a core function of the agency. Larger agencies may need this additional level; it is required and will be labeled “00” if not applicable.
- Part:** A set of rules on a specific topic.
- Section:** A specific rule.

<b>Title</b> (Agency)	<b>Code</b>	<b>Chapter</b> (Function)	<b>Sub-Chapter</b> (Topic)	<b>Part</b>	<b>Section</b>
100	RICR	10	05	1	.1(A)(1)(a)(1)
<b>Citation</b> 100-RICR-10-05-1.1(A)(1)(a)(1)					
<b>EXAMPLES</b>					
<b>TITLE</b>	<b>CODE</b>	<b>CHAPTER</b>	<b>SUB-CHAPTER</b>	<b>PART</b>	<b>SECTIONS</b>
Dept. of Environmental Management <i>ERLID: 8321</i>	RICR	Agriculture and Resource Marketing	Animal Care Facilities	Species-Specific Standards	Dogs, Cats, Rabbits, etc
Dept. of Health <i>ERLID: 157</i>	RICR	Food Protection	Frozen Food Products	Construction and Layout of Frozen Food Plants	Coverage, Location, Separation, Water Supply, etc.
Dept. of Business Regulation <i>ERLID: 3851</i>	RICR	Commercial Licensing	N/A	Regulation 13-Unit Pricing	Purpose, Definitions, Exemptions, etc

A. Title-100

This classification level represents state agencies. These include general offices, executive branch agencies, and quasi-public agencies. The numbering scheme begins with 100 and increases by multiples of 2, 5 or 10 based on the entity type and its relationship to other entities in the code. The three-digit indicator allows for growth over time, including the placement of new agencies near related

agencies in the code (e.g. EOHHS is 210, with sub-agencies represented by 212, 214, etc.).

B. Rhode Island Code of Regulations (RICR)

The four-letter code, RICR, immediately indicates a Rhode Island regulation, as “RIGL” indicates a statute.

C. Chapter-10

This classification level represents major agency functions. Agencies will distinguish between functions by assigning chapter numbers using a skip 10 method (e.g. 10, 20, 30...110, etc.). The skip method allows room to insert new functions near related functions. Agencies will use “00” if there is no chapter.

D. Sub-Chapter-05

Agencies can use this level to organize functions by topic area if necessary. Agencies will assign sub-chapter numbers using a skip 5 method (e.g. 05, 10, 15). Agencies will use “00” if there is no sub-chapter.

E. Part-1

A Part represents a group of rules around a specific topic. Parts are represented by a 1-point numbering scheme (i.e. each part is sequentially numbered).

F. Sections- .1, A,1,a,(1)

Sections may be divided into four levels:

1. subsections – (ex. .1, .2, .3, .4, etc.);
2. paragraphs – (ex. A, B, C, D, etc.);
3. subparagraphs – (ex. 1, 2, 3, 4, etc.);
4. clauses - (ex. a, b, c, d, etc.); and
5. sub-clauses – (ex. (1), (2), (3), (4), etc.).

**Note:** Agencies should make every attempt to limit the number of sub-section levels to no more than five levels to reduce regulatory volume while maintaining readability.

G. Additional Rules Surrounding Code Design

1. Decimal points will not be allowed at the Title or Chapter level.
2. Sections or subsections cannot be renumbered to accommodate for repealed regulations.

## H. Comparison to the Code of Federal Regulations

The RI Code of Regulations is based on the Code of Federal Regulations' classification scheme.

	<b>CFR</b>	<b>RICR</b>
<b>Title</b>	Topic Area	Agency
<b>Chapter</b>	Agency	Function
<b>Sub-Chapter</b>	Topic/Function	Topic under function
<b>Part</b>	A set of rules	A set of rules
<b>Section</b>	Specific rule	Specific rule

### Title Example

<b>Title</b>	<b>Chapter</b>	<b>Subchapter</b>
Administration	Legal Services	
	Health Source RI	
	Office of Diversity, Equity and Opportunity	Equal Opportunity Office
		Human Resources Outreach and Diversity Office
		Minority Business Enterprise Compliance Office
	Division of Capital Asset Management and Maintenance (DCAMM)	Fire Safety Code Board of Appeal and Review
		Office of Planning, Design, and Construction
		Office of Risk Management
		Office of State Fleet Operations
	Division of Enterprise Technology Strategy and Service (ETSS)	Office of Library Services
		Office of Digital Excellence
		Office of Information Technology
	Division of Human Resources	Office of Personnel Administration
		Employee Benefits
		State Employees Workers' Compensation
	Office of Management and Budget	Office of Internal Audit
		Budget Office
		Office of Regulatory Reform
		Performance Management
	Planning	State Planning Counsel
	Purchases	
	State Properties Committee	

### 1.1.10 RICR Code Structure

All questions on the Title designations should be directed to the Department of State's Administrative Records Office.

<b>Title Number</b>	<b>Agency</b>
100	Department of State
110	Attorney General
120	Treasury Department
130	Auditor General
150	Judicial
152	Unauthorized Practice of Law Committee
154	Workers' Compensation Court Medical Advisory Board
160	Permanent Joint Committee on Legislative Services
170	Executive Office of Commerce
180	The Office of Veterans Affairs
200	Department of Elementary and Secondary Education
202	Board of Education
204	Council on Secondary and Elementary Education
210	Executive Office of Health and Human Services
212	Department of Behavioral Health, Developmental Disabilities and Hospitals
214	Department of Children, Youth, and Family
216	Department of Health
218	Department of Human Services
220	Department of Administration
222	Minority Business Enterprise Commission
230	Department of Business Regulation (includes the Office of the Health Insurance Commissioner)
240	Department of Corrections
242	Parole Board
244	Batterer's Intervention Program Standards Oversight Committee
250	Department of Environmental Management



260	Department of Labor and Training
270	Department of Public Safety
280	Department of Revenue
290	Department of Transportation
300	Office of Energy Resources
400	Board of Accountancy
405	Board of Certification of Operators of Wastewater Treatment Facilities
410	Board of Elections
415	Board of Examination and Registration of Architects
420	Board of Examiners of Professional Landscape Architects
425	Board of Medical Licensure and Discipline
430	Board of Registration for Professional Engineers
435	Board of Registration for Professional Land Surveyors
440	Contractors' Registration & Licensing Board
445	Energy Facility Siting Board
450	Fire Safety Code Board of Appeal and Review
455	Governor's Workforce Board (formerly known as Human Resource Investment Council)
460	Labor and Training Board of Review
465	Labor Relations Board
470	Motor Vehicle Arbitration Board
475	Personnel Appeals Board
480	State Housing Appeals Board
485	Underground Storage Tank Review Board
490	Water Resources Board
500	Advisory Commission on Historical Cemeteries
505	Agricultural Lands Preservation Commission
510	Building Code Commission
515	Commission for Human Rights
520	Ethics Commission

525	Governor's Commission on Disabilities
530	Historical Preservation & Heritage Commission
545	Judicial Nominating Commission
550	State Traffic Commission
555	Vehicle Value Commission
600	State Properties Committee
650	Coastal Resources Management Council
655	Council on Postsecondary Education
660	Rivers Council
665	State Council on the Arts
670	State Planning Council
800	Airport Corporation
805	Capital Center Commission
810	Public Utilities Commission
815	Division of Public Utilities and Carriers
820	Health and Educational Building Corporation
825	Housing and Mortgage Finance Corporation
830	Infrastructure Bank
835	Narragansett Bay Commission
840	Public Transit Authority
845	Resource Recovery Corporation
850	Student Loan Authority
855	Turnpike and Bridge Authority
860	Housing Resources Commission
865	I-195 Commission
870	Commerce Corporation
875	Industrial Facilities Corporation
880	Quonset Development Corporation

# 1.2 Filing Guidelines

This section's purpose is to guide agencies on the mechanics of filing rules and regulations with the Department of State using the Rules and Regulations Database Submission Tool.

For guidance on creating state regulations, please refer to the Office of Management and Budget Rhode Island Administrative Procedures Act Regulatory Manual and related documents, found at [www.omb.ri.gov/reform](http://www.omb.ri.gov/reform).

## 1.2.1 Notice of Proposed Rulemaking (§ [42-35-2.7](#))

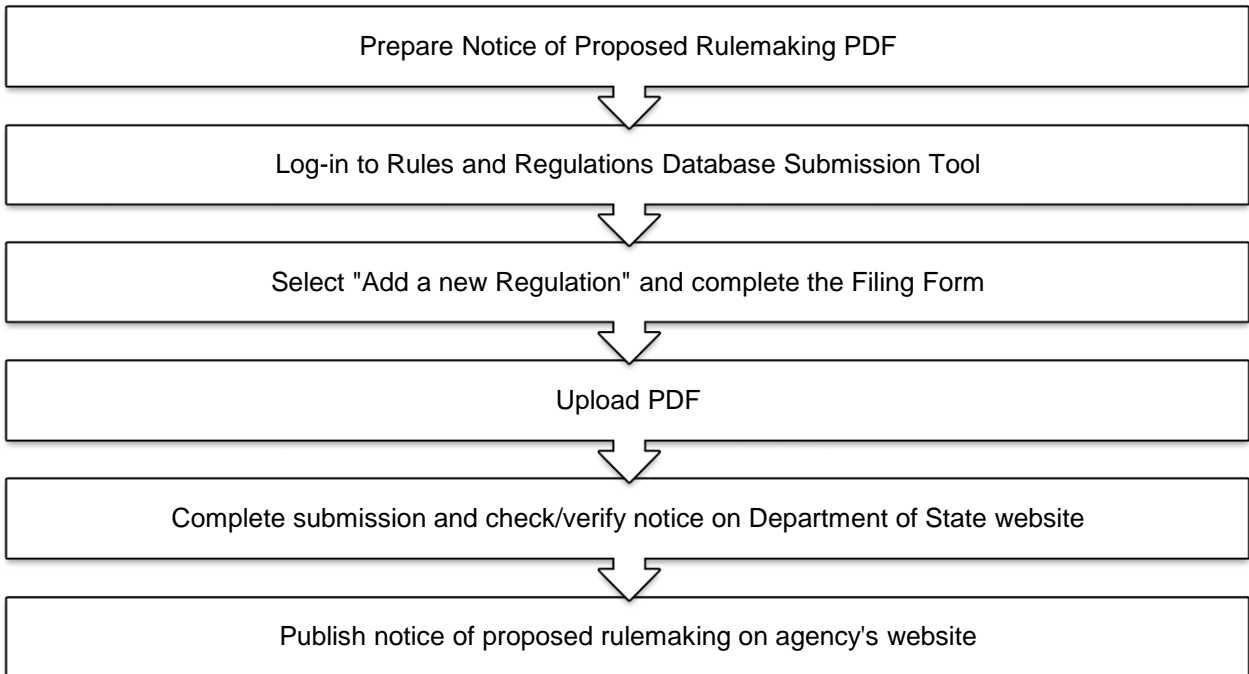
- A. This section will prepare you for posting notice of proposed rulemaking (R.I. Gen. Laws § [42-35-2.7](#)) once the required regulatory preparation and analysis has been completed (R.I. Gen. Laws §§ [42-35-2.9](#), [42-35.1-4](#), [22-12-1.1](#), and Executive Order [15-07](#)).
  - 1. For guidance on completing advance notice of proposed rulemaking, please contact the Office of Management and Budget.
  - 2. For emergency filings, please skip to [1.2.4 Emergency Rules](#).
- B. When you are ready to submit your rule to the Rules and Regulations Database, first send a copy of your proposed rule in Word format to: [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov). The Administrative Records team will review the rule for compliance with the formatting provisions of the RICR. Once the Administrative Records Office has reviewed and approved your rule, you may proceed to upload that rule to the Database. If the Administrative Records Office fails to respond after five business days, you may upload your rule to the Database without Administrative Records Office approval.

**NOTE:** § [42-35-4](#) authorizes the Secretary of State to reject the filing of a final rule if the rule fails to comply with RICR formatting guidelines. Implementing this additional level of review will prevent rejected filings by correcting non-substantive errors prior to publishing a rule for public view.

- C. Beginning with a word processing document, create a PDF through "Save as PDF". Do not scan a document to create a PDF as this will not be searchable or accessible to those using assistive technologies. When saving the PDF file, do not put any spaces or special characters (ex. \*&^%\$) in the file name. Also, use short file names (for example: Procedural\_Rules\_2016.pdf OR ProceduralRules2016.pdf). If you have multiple proposed rules, you must create a separate PDF file for each rule, and upload each rule separately. The PDF files must have different names as the database will hold only one file with any given name.

- D. If you require assistance making a searchable and accessible PDF, please contact the Administrative Records Office at (401) 330-4801/437-4130 or [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov).
- E. The Notice of Proposed Rulemaking must contain the following in a single PDF:
1. a short explanation of the purpose of the proposed rule;
  2. a citation or reference to the specific legal authority authorizing the proposed rule;
  3. the text of the proposed rule; clearly mark the proposed language by underlining proposed insertions, and striking through proposed deletions;
  4. the regulatory analysis, as well as how to obtain complete information on the analysis;
  5. where, when, and how a person may request a hearing or otherwise comment on the proposed rule (including the dates of the public comment period);
  6. the date of the filing of the Notice of Proposed Rulemaking;
  7. citations to each supporting scientific or statistical study, report, or analysis; and
  8. if the proposed rule supersedes an existing rule, a summary of all non-technical changes made to the proposed rule. Technical changes include corrections to grammar, punctuation, and formatting which do not modify the substantive meaning or scope of the rule.

For an example of a Notice of Proposed Rulemaking, see [Appendix 6: Public Notice of Proposed Rulemaking](#).



F. Submitting a Proposed Rule in the Database Submission Tool

1. Log-in to the Rules and Regulations Database Submission Tool  
[http://sos.ri.gov/dar\\_filing/](http://sos.ri.gov/dar_filing/).
2. Under Rule Information, click “Add new regulation” link.
3. Select your parent agency or division from dropdown; click on the GO button.
4. Fill out the Filing Form with the following information:
  - a. Name and Address of Agency.
  - b. Title of Rule: If replacing a rule currently in effect, make sure that the “Title of Rule” matches the title of the rule it replaces. If the title will change, explain the title change as part of the Concise Explanatory Statement. Do not use special characters (ex. \*&^%\$) in the title. Add the RICR citation in parentheses after the title of the rule.
  - c. Statutory Source of Authority: Provide the complete citation (ex. R.I. Gen. Laws § 42-35-2.7) for the statute enabling the agency to file a rule on this subject matter.
  - d. Concise Explanatory Statement (§ [42-35-2.6](#)):

- (1) State your reasons for creating the rule; and
    - (2) Provide prepared regulatory analysis.
  - e. Type of Filing
    - a. Indicate the ERLID number assigned by the Rules and Regulations Database Tool to the superseded and/or expired rule.
    - b. If an Amendment, indicate the amended section numbers in the text box provided.
  - e. Notice and Hearing Information
    - (1) **Date of Public Notice** ([§ 42-35-2.8](#)): Indicate Public Notice and Public Hearing Dates or check “Not Required”. For the Public Notice date, use the date that you checked the “Proposed” check box. Emergency rules do not require Public Notice.
    - (2) **Date of Public Hearing** ([§ 42-35-2.8](#)): The hearing must be held at least ten (10) days from the date of public notice.

A public hearing must be held if requested by at least twenty-five (25) persons, or by an organization that has at least twenty-five (25) members and must be at least five (5) days before the End of the Comment Period.

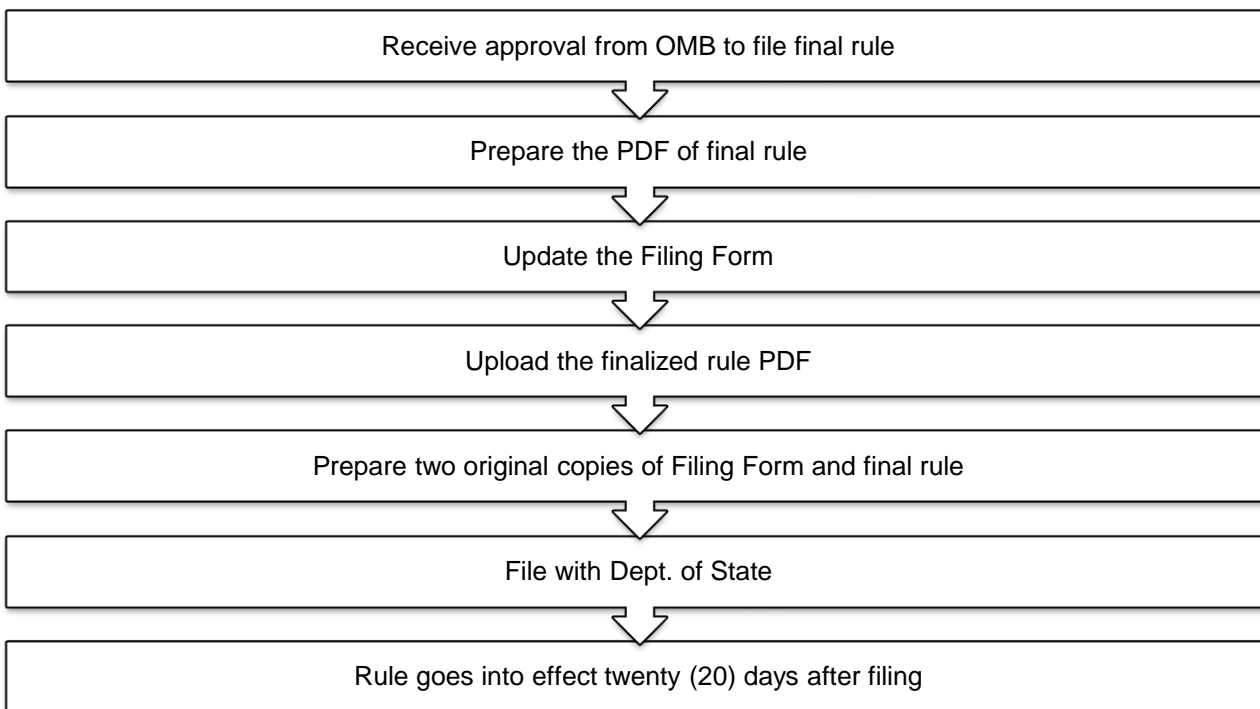
If no Public Hearing planned, check the box for “Not Required”.
    - (3) **Date of the End of Comment Period** ([§ 42-35-2.8](#)): The end of comment period must be at least 30 days from the date of public notice and at least five (5) days from the date of public hearing.
  - f. **Agency Additional Information - Web Page:** In addition to uploading your Notice of Proposed Rulemaking to the Department of State’s website, you must post the Notice on your agency’s website ([§ 42-35-2.7](#)). Provide the website address here directing the user to the Notice on your agency’s website.
5. Proofread everything.
  6. Check the “Proposed” box when ready to begin the public comment period.


7. Click SUBMIT.
8. Click BROWSE and select PDF.
9. Click FINISH SUBMISSION.
10. In SELECT AN ACTION dropdown box, select “Front Page”.
11. You should now see your proposed rule under the “Regulation Information” section in red. (If not red, click the pencil/paper icon to the right of the title to edit the online filing form and ensure that you have checked the “Proposed” box in section 5.).
12. If you have more proposed rules to submit, follow the same procedure.
13. When finished, select “Log Out” from the “Select an Action” dropdown box on the Front Page.
14. View your proposed rule in our “Proposed” public search interface (select your agency from the dropdown): <http://sos.ri.gov/ProposedRules/>. Make sure all the information displays correctly and your PDF will open without issue, and that the “Additional Information” directs to the appropriate webpage on your agency’s website.
15. As proof that you have complied with the public notice requirement, print a copy of the above screen with a date stamp contained in the header or footer and keep in your rule-making file.

**DO NOT MAKE ANY SUBSTANTIVE CHANGES DURING THE 30-DAY PUBLIC COMMENT PERIOD.**

## 1.2.2 Finalizing Rules and Regulations and Filing (§ [42-35-4](#))

After you have completed the Public Comment period and received approval from the Office of Management and Budget to file the final regulations with the Department of State, you will need to complete the following steps to finalize your rule for filing.



1. Prepare the PDF of the final rule which must contain the final text of the rule without markup.
2. Updating the Filing Form & Uploading Finalized PDF:
  - a. Log-in to the Rules and Regulations Database Submission Tool:  
[http://sos.ri.gov/dar\\_filing/login/](http://sos.ri.gov/dar_filing/login/)
  - b. Click on the pencil and paper icon  to the right of the title to edit the Filing Form.
  - c. Complete the following:
    - (1) Concise Explanatory Statement (§ [42-35-2.6](#)) - This section should now contain both the purpose of the filing and a description of any substantive difference(s) between the proposed rule and the final rule stating the reason(s) for the difference(s). In addition, you **must** state the reasons for not accepting arguments made in testimony and comments.




If there are no substantive differences, please note this.

Keep in mind that no changes are allowed between the text of the rule as proposed and the finalized rule except as a logical outgrowth of the proposed rule.

You also must include the regulatory analysis prepared in accordance with § [42-35-2.9](#).

Finally, provide the date the final rule was signed by the agency head and any finding required by law as a prerequisite to the effectiveness of the rule.

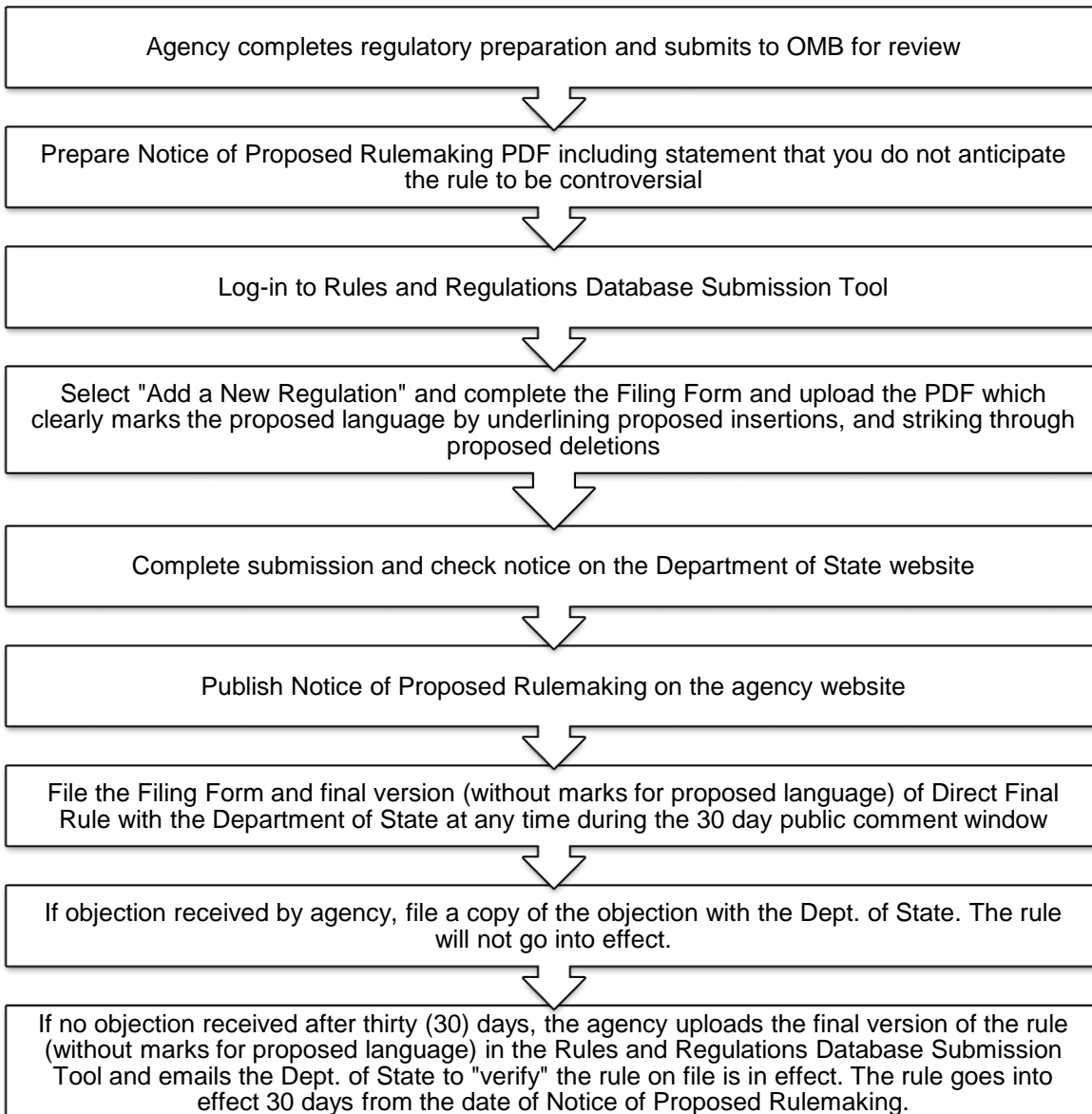
See [Appendix 7: Concise Explanatory Statement Template](#).

- (2) Un-check the “Proposed” box.
  - (3) Proofread everything.
  - (4) Click SUBMIT.
  - (5) This will return you to the “Regulation Information” screen, but your rule title should now display in black. If still in red, click the pencil/paper icon again, ensure you have un-checked the “Proposed” box in Section 5 of the Filing Form and submit the Filing Form again before proceeding.
- d. Click on the red “U” to the right of the title to upload your PDF containing the finalized rule.
  - e. Browse and select the PDF; click FINISH SUBMISSION.
  - f. Click the printer icon  to the right of the title and click the “Download ...filing form...” link.
  - g. The Filing form should open in PDF format; check all information for correctness, then print two originals of the Filing Form.
  - h. Have the Filing Forms signed and notarized and attach them to two original copies of the finalized rule.
  - i. Make an appointment with the Administrative Records Office to file by calling (401) 330-4801 or emailing [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov). Please have the ERLID number(s) of all planned filings available prior to requesting an appointment. (ERLID number(s) located on the upper and lower right hand corner of the Filing Form.)

- j. Once filed with the Administrative Records Office, the final rule displays in our FINAL RULES public search interface: <http://sos.ri.gov/rules/>. The final rule will go into effect twenty (20) days from the date of filing or a later date, if requested.

### 1.2.3 Direct Final Rules (§ [42-35-2.11](#))

If an agency expects a rule to be non-controversial, the agency now has the option of filing the rule as a Direct Final Rule.



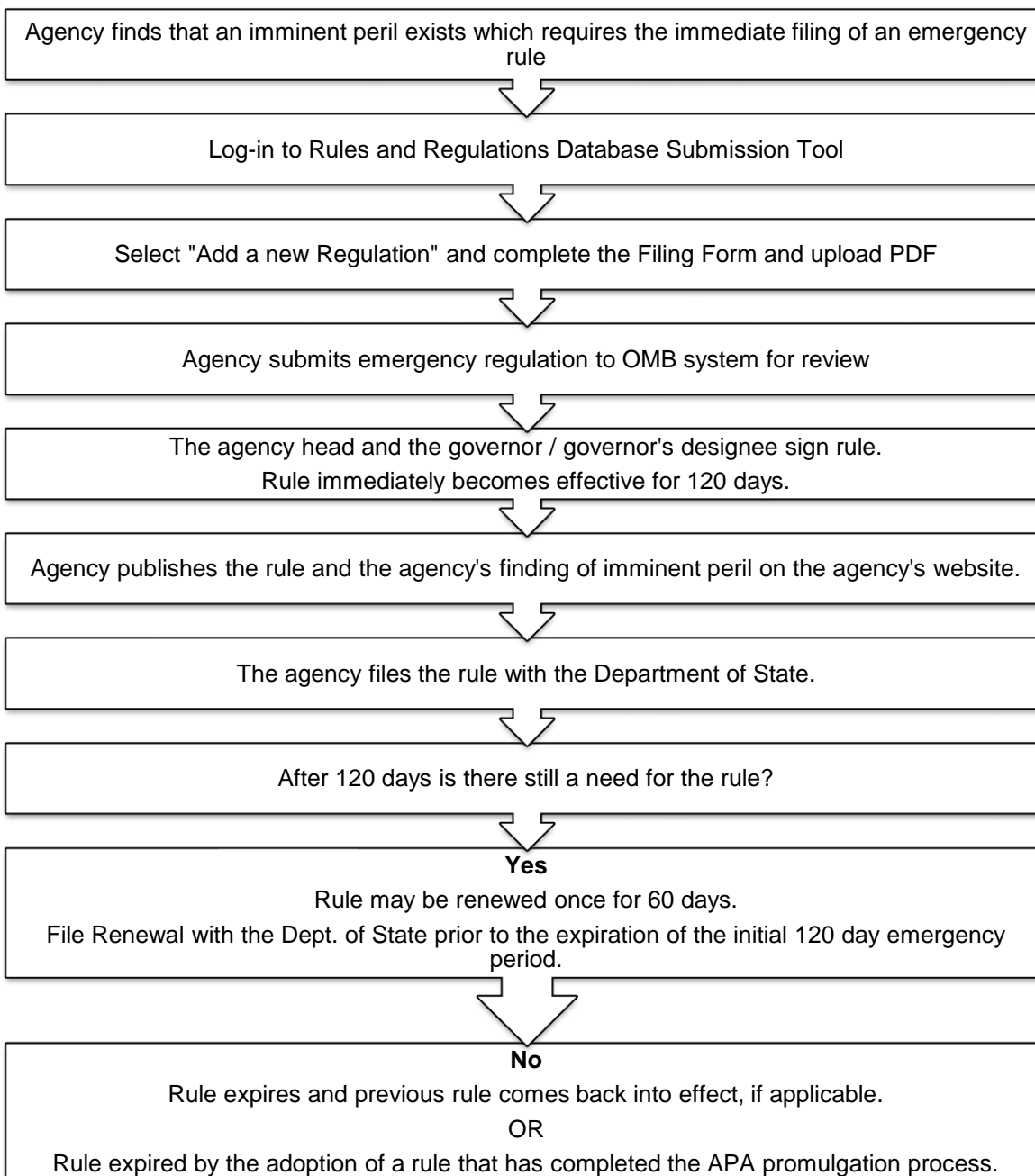
- A. **Procedure for a Direct Final Rule.** The agency will post Notice of Proposed Rulemaking and in that notice the agency must include a statement that it does not expect the rule to be controversial and that the proposed rule takes effect

thirty (30) days after publication if no objection has been received (see [Appendix 4: Direct Final Rulemaking Process](#)).

1. A Direct Final Rule can be filed with the Department of State in its final format (without marks for proposed language) at any time during the thirty (30) day public comment period.
2. **If no objection is received**, the agency will email the Department of State at [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov) stating that no objection has been received and upload the final rule to the Rules and Regulations Database Submission Tool.
3. **If objection is received**, the agency should email the Department of State at [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov) with notice of the objection for placement on file. The rule will not then go into effect after thirty (30) days.
4. If no objection was received, the Department of State will verify the Direct Final Rule as in effect, making it accessible on the Department of State website.

### 1.2.4 Emergency Rules (§ [42-35-2.10](#))

If an agency determines that an emergency rule (§ [42-35-2.10](#)) is required due to a finding of imminent peril, they may file an emergency rule without Notice of Proposed Rulemaking, Public Comment or a Public Hearing.



1. The rule will go into effect when it has been signed by the agency head and the Governor or Governor's designee.
2. The rule will remain in effect for 120 days.

3. An agency should follow the [1.2.2 Finalizing Rules and Regulations and Filing](#) with the exception that the rule should contain mark-ups to denote deletions and additions to the existing rule, and must clearly state their finding of imminent peril which requires the emergency rule.
4. The agency may renew the emergency rule once for an additional sixty (60) days. The extension will need to be filed using the same procedure as the initial emergency rule.

#### **1.2.5 Technical Revisions for Making Minor Non-Substantive Corrections (§ [42-35-4\(b\)](#))**

- A. A minor non-substantive change can be made through a written request from an agency's Rules Coordinator or initiated by Administrative Records Office staff. If initiated by Administrative Records Office staff, the agency Rules Coordinator must first approve the change. The scope of these notices can run from grammar, punctuation, and cross-reference corrections, to a name change of the agency.
- B. The Agency Rules Coordinator emails a copy of the current rule to [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov) at Administrative Records Office in a Word or similar word processing format for correction and includes a Concise Statement of the need for the Technical Revision for completion of the Technical Revision.
- C. The agency Rules Coordinator also adds an Authorized User to the agency's database account for use by the Administrative Records staff to use when promulgating Technical Revisions for the agency.
- D. Administrative Records Office staff creates the new Technical Revision filing in the Rules and Regulations Database Submission Tool and notes on the Filing Form the minor non-substantive corrections made and files the Technical Revision with a copy of the email with the requested change by the agency or the agency approval of such change in the folder with the corrected rule.
- E. Administrative Records Office staff sign and notarize the Technical Revision.
- F. The Technical Revision effective date is set to the same effective date as the rule that it is correcting.

# 1.3 Requirements under the APA

## 1.3.1 Rulemaking Agenda (§ [42-35-5.1](#))

- A. The rulemaking agenda is a document listing all proposed rulemaking currently in effect for your agency. The rulemaking agenda must be updated in real time and include the following information for all rules proposed by your agency:
1. The subject matter of the proposed rule;
  2. Notices related to the proposed rule;
  3. How comments on the proposed rule may be submitted;
  4. The time within which comments may be submitted;
  5. Where comments may be inspected;
  6. Requests for a public hearing;
  7. Appropriate information concerning a public hearing, if any; and
  8. The timetable for action on the proposed rule.
- B. If you use the provided Public Notice of Proposed Rulemaking template (see [Appendix 6: Public Notice of Proposed Rulemaking Template](#)), your public notice will contain all information required under [§ 42-35-2.7 Notice of proposed rulemaking.](#) and [§ 42-35-5.1 Rulemaking agenda.](#)
- C. The law requires that the rulemaking agenda be published both on the agency's website and the Department of State's website.
- D. The rulemaking agendas will be published on the Department of State website using the current RSS feeds for the Proposed Rules and Regulations Database. Your agency may utilize these feeds to display the current rulemaking agenda on your own website. If you choose to use this feature you should work with your agency's IT department to paste the feed into your agency's website for a live, up-to-date list of your proposed rules. If you choose to not use the RSS feed option, you will need to publish a current rulemaking agenda to your agency's website each time your agency proposes a rule or a proposed rule is no longer in public comment.

## 1.3.2 Guidance Document Index (§ [42-35-2.12](#))

1. Agency Rules Coordinators must submit a Guidance Document Index to [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov) annually. The Administrative Records office will

publish the annual index on the Dept. of State website on January 15<sup>th</sup> of each year. (see [Appendix 8: Example Guidance Document Index](#)).

### **1.3.3 Declaratory Order and Index (§ [42-35-8](#))**

1. If an agency issues a declaratory order, the order must contain the names of all parties to the proceeding, its factual basis, and the reasons for the agency's conclusion.
2. The agency must make an appointment with the Administrative Records Office to file a copy of the Order by calling (401) 330-4801 or emailing [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov).
3. The Declaratory Order becomes effective once filed with the Department of State.
4. Agency Rules Coordinators must compile a current index of all its effective declaratory orders (see [Appendix 9: Example Declaratory Order Index](#)). Whenever the index is updated it must be submitted to [rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov).

### **1.3.4 Advance Notice of Proposed Rulemaking (§ [42-35-2.5](#))**

1. If an agency chooses to gather information and solicit comments and recommendations from the public the agency would need to send an email to the Department of State ([rulesregs@sos.ri.gov](mailto:rulesregs@sos.ri.gov)) with a copy of their notice which indicates where, when, and how persons may comment before the rulemaking process begins.
2. The Department of State will have a copy of the Advance Notice of Proposed Rulemaking provided by the agency published in the Rhode Island Government Register.
3. The agency publishes a copy of the Advance Notice of Proposed Rulemaking on the agency's website.
4. The meeting must be open to the public and is subject to the open meetings chapter pursuant to R.I. Gen. Laws § [42-46](#).

### **1.3.5 Petition for Promulgation of Rules (§ [42-35-6](#))**

1. Each agency must promulgate a rule prescribing the procedure for an individual to petition the agency to promulgate a rule.
2. The rule must contain the following information:
  - a. the form of the petition;

- b. the procedure for submitting the petition to the agency; and
  - c. the procedure the agency must follow in considering and acting on the petition.
- 3. Pursuant to § [42-35-6](#), the agency must deny the petition or initiate rulemaking in accordance with the petition within thirty (30) days.
- 4. The Department of State has provided a sample Petition for Promulgation of Rules ([Appendix 10: Sample Petition for Promulgation of Rules](#)). This sample is intended as a tool for agencies' use in promulgating its rule as required by the APA. Agencies are not required to use the sample when promulgating their Petition for Promulgation of Rules.

#### **1.3.6 Petition for Declaratory Order (§ [42-35-8](#))**

- 1. Each agency must promulgate a rule prescribing the procedure for an individual to petition the agency for a declaratory order.
- 2. The rule must contain the following information:
  - a. the form of the petition;
  - b. the procedure for submitting the petition to the agency; and
  - c. the procedure the agency must follow in considering and acting on of the petition.
- 3. Pursuant to § [42-35-8](#), the agency must act within sixty (60) days of receipt of the petition in one of the following ways:
  - a. issue a declaratory order;
  - b. decline to issue the order; or
  - c. schedule the matter for further consideration
- 4. The Department of State has provided a sample Petition for Declaratory Order ([Appendix 11: Sample Petition for Declaratory Order](#)). This sample is intended as a tool for agencies' use in promulgating its rule as required by the APA. Agencies are not required to use the sample when promulgating their Petition for Promulgation of Rules.

#### **1.3.7 Conduct of Public Hearings (§ [42-35-2](#))**

- 1. Each agency must promulgate a rule prescribing the manner in which public hearings are conducted.



2. The Department of State has provided a sample Conduct of Public Hearings regulation ([Appendix 12: Conduct of Public Hearings Regulation](#)). This sample is intended as a tool for agencies' use in promulgating its rule as required by the APA. Agencies are not required to use the sample when promulgating their Conduct of Public Hearings regulation.

# Appendix 1: Examples of Styles in the RICR Template

**REPLACE THIS TEXT WITH THE FULL RICR NUMBER (XX-RICR-XX-XX-XX)**

**REPLACE THIS TEXT WITH THE RICR TITLE NUMBER – NAME (AGENCY NAME)**

**REPLACE THIS TEXT WITH THE RICR CHAPTER NUMBER – NAME (FUNCTION)**

**REPLACE THIS TEXT WITH THE RICR SUBCHAPTER NUMBER - NAME (TOPIC)**

**REPLACE THIS TEXT WITH THE RICR PART NUMBER – NAME (REGULATION)**

[The suggested numbering and format below will help you create your new regulation. Replace each 'x' with the appropriate number for both rule numbers and statute citations - Delete this paragraph and any other extraneous text below.]

## **x.1 Replace This Text with a Heading (Title 1)**

**x.1.1 Replace This Text with a Subheading (Title 2 – this heading level is optional)**

- A. Replace this text with Paragraph 1 – use the following subsections as appropriate
  - 1. Replace this text with Paragraph 2 (subsection of Paragraph 1)
    - a. Replace this text with Paragraph 3 (subsection of Paragraph 2)
      - (1) Replace this text with Paragraph 4 (subsection of Paragraph 3)

# Appendix 2: Example of Regulation in the RICR Style

(This example is used for illustrative purposes only and should not be copied exactly)

**281-RICR-10-00-2**

## **TITLE 281 - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY**

### **CHAPTER 10 - BRIDGES AND TOLLS**

#### **SUBCHAPTER 00 - N/A**

#### **PART 2 - RULES AND REGULATIONS GOVERNING DISPUTES INVOLVING THE NONPAYMENT OF TOLLS, ADMINISTRATIVE FEES, AND FINES**

### **2.1 AUTHORIZATION AND PURPOSE**

#### **2.1.1 AUTHORIZATION FOR REGULATIONS**

The following rules and regulations concerning the resolution of disputes over the nonpayment of tolls, administrative fees, and fines ("Rules and Regulations") are promulgated by the Rhode Island Turnpike and Bridge Authority ("Authority") in accordance with R.I. Gen. Laws § 24-12-37.

#### **2.1.2 PURPOSE**

These Rules and Regulations are intended to provide the public with information regarding the procedures associated with the nonpayment of tolls, administrative fees, and fines on the Claiborne Pell Bridge.

### **2.2 DEFINITIONS**

A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:

1. "Administrative Fees" means the fees added to an unpaid Toll pursuant to R.I. Gen. Laws § 24-12-37.
2. "Bridge" means the Claiborne Pell Bridge.
3. "Fines" means all fines incurred by a Toll Evader under R.I. Gen. Laws § 24-12-37.
4. "Nonpayment of Toll" means the failure to pay any Administrative Fees or Fines associated with the failure to pay the required Toll, and/or the failure

to pay the Toll due at the time of crossing or use of the Bridge as a result of:

- a. having an insufficient amount of cash or legal tender to pay the Toll due;
  - b. failing to have a properly-affixed and valid EZ-Pass Transponder with a balance sufficient to pay the Toll due; or
  - c. not paying the Toll due or otherwise evading the obligation to pay the Toll due by, inter alia, proceeding through or around a gate or barrier at the Bridge's toll plaza.
5. "Toll" means the amount charged by the Authority for use of the Bridge pursuant to R.I. Gen. Laws § 24-12-9.
  6. "Toll Violator" means any person who uses the Bridge and fails to pay or prepay the required Toll.
  7. "Toll Evader" means any person who uses the Bridge, fails or refuses to pay the required Toll, and deliberately circumvents or proceeds around or through a gate or other barrier on the Bridge; and/or any Toll Violator who fails or refuses to prepay the required toll on a tolled project at least one hundred (100) or more times, received at least three (3) written notices from the Authority (or its agent) regarding the non-payment of Tolls, and is not a party to, or in current compliance with, a written repayment plan with the Authority.
  8. "Notice of Violation" means any notice issued by the Authority (or its agent) in connection with the Nonpayment of Toll by a Toll Violator or Toll Evader.

## **2.3 RESOLUTION OF DISPUTES**

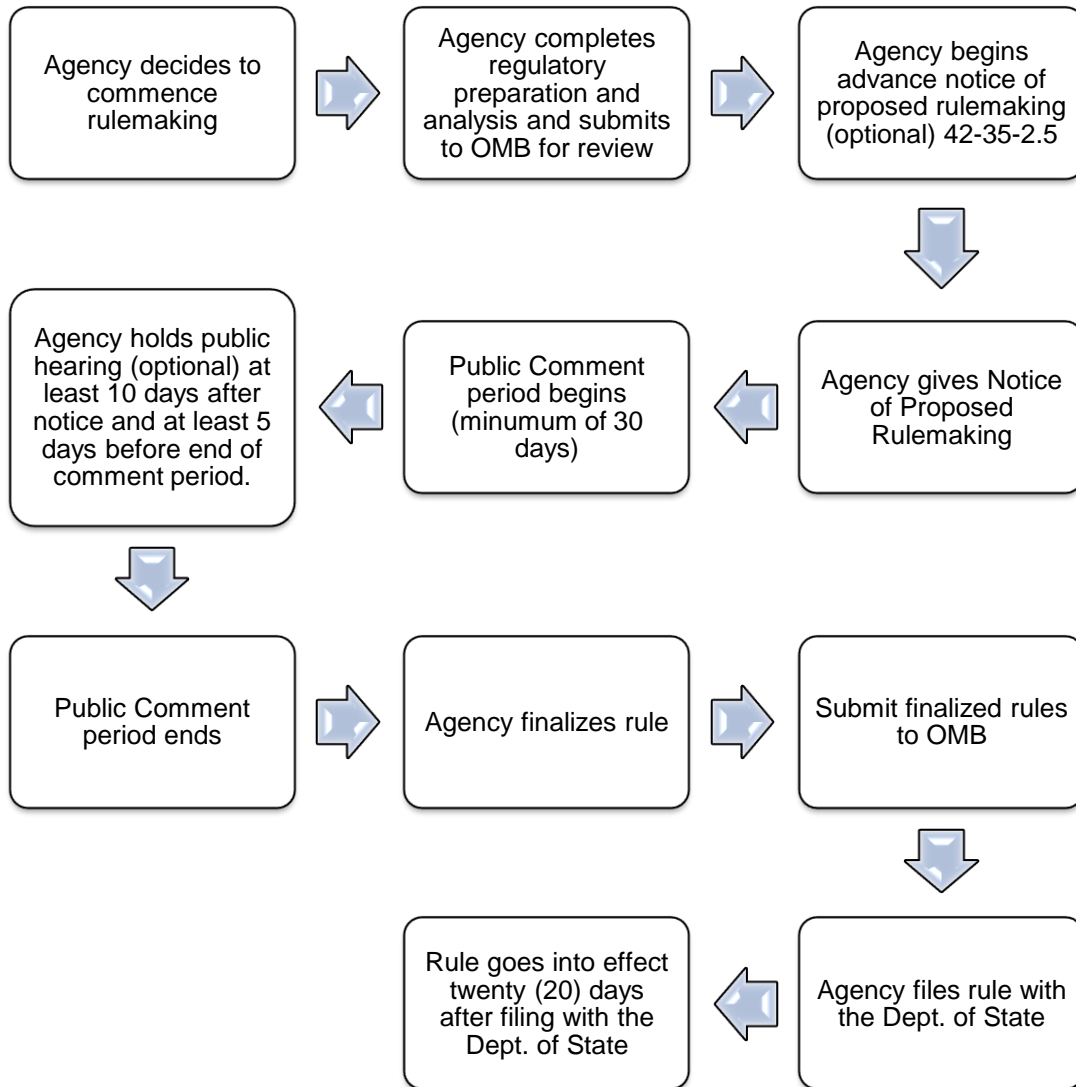
### **A. Procedures for Disputing Notices of Violation**

1. The Authority intends to seek to resolve all disputes regarding the Nonpayment of Tolls in an efficient and fair manner.
2. If a Toll Violator or Toll Evader disputes their status as such or otherwise disputes the accuracy of the Authority's records regarding any Nonpayment of Toll, the Toll Violator or Toll Evader shall submit a completed Toll Violation Dispute Form to the Authority within thirty (30) days of the date of issuance of the disputed Notice of Violation.
3. The Authority will attempt to work informally and collaboratively with the Toll Violator or Toll Evader to resolve any dispute regarding the disputed Notice of Violation or Nonpayment of Toll. The Authority may contact the

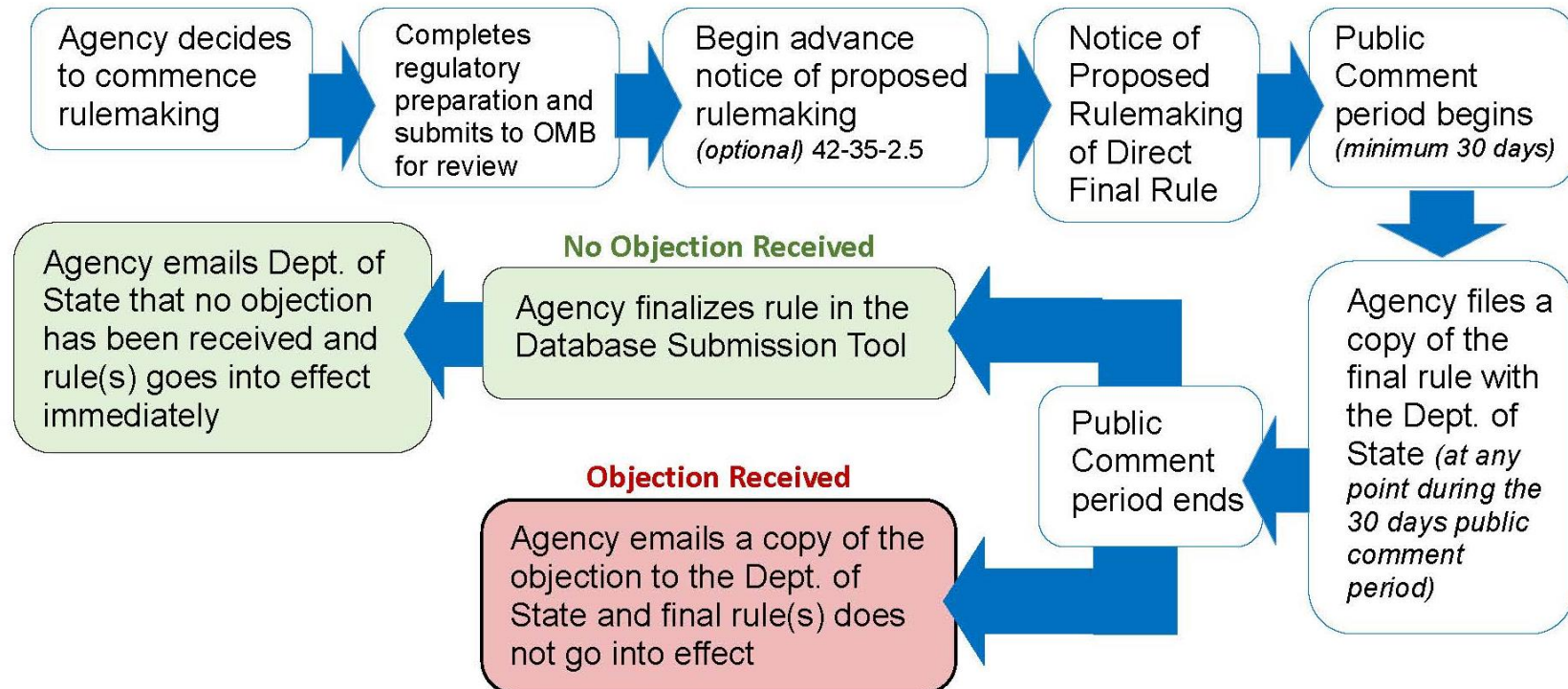
Toll Violator or Toll Evader to request additional information to assist the Authority in evaluating the merits of the dispute.

4. If the Authority determines that the disputed Notice of Violation shall be voided or adjusted in favor of the Toll Violator or Toll Evader, then the Authority will make such adjustment and will advise the Toll Violator or Toll Evader of the adjustment made. Thereafter, the Toll Violator or Toll Evader shall pay the newly adjusted amount within ten (10) days of the date of issuance of the Authority's determination. However, if the Toll Violator or Toll Evader fails to timely pay the adjusted amount, then any adjustment made by the Authority is null and void and the original amount of the Notice(s) of Violation (and any applicable Administrative Fees and Fines) shall be immediately due and payable.
5. If the Authority determines that the disputed Notice of Violation is valid and should not be voided or adjusted, then the Toll Violator or Toll Evader may request a telephonic conference with a duly authorized Authority representative for the purpose of attempting to resolve the dispute. Such telephonic conference shall be conducted within thirty (30) days of the Toll Violator or Toll Evader's request, which request shall be made no later than thirty (30) days of the date of issuance of the Authority's determination. If such conference is not requested or does not resolve the dispute, then the Authority shall issue a written final determination to the Toll Violator or Toll Evader confirming that all amounts owed for the disputed Notice of Violation shall remain due and payable. Thereafter, any such Toll Violator or Toll Evader shall remain subject to all consequences set forth in R.I. Gen. Laws § 24-12-37.

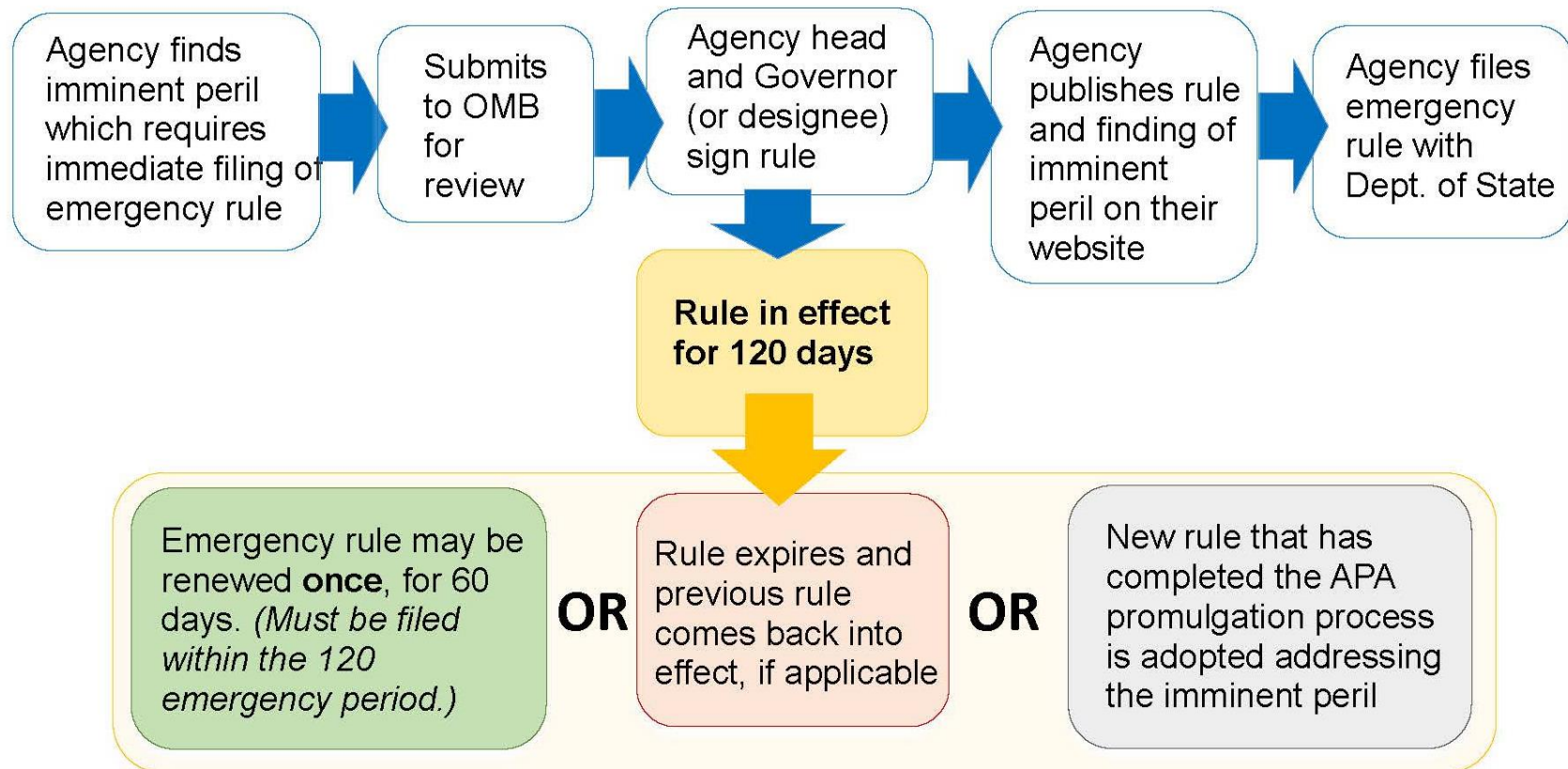
# Appendix 3: Regular Rulemaking Process



## Appendix 4: Direct Final Rulemaking Process



## Appendix 5: Emergency Rulemaking Process





# Appendix 6: Public Notice of Proposed Rulemaking Template

## RHODE ISLAND GOVERNMENT REGISTER PUBLIC NOTICE OF PROPOSED RULEMAKING

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**AGENCY:**

**DIVISION:** *(If any)*

**RULE IDENTIFIER:** *(RICR Citation and ERLID of noticed rule and any ERLIDs effected by proposed rule)*

**REGULATION TITLE:**

**RULEMAKING ACTION:** *(Advance Notice of Proposed Rulemaking, Proposed Rulemaking, or Direct Final)*

**Direct Final:** If no formal objection is received on or before **[end of comment period]** **[Agency, Board or Commission Name]** will file the **[adoption OR amendment OR repeal]** without opportunity for public comment. (If using Direct Final rulemaking, do not include the **PUBLIC HEARING INFORMATION** and **ALTERNATIVE PUBLIC HEARING TEXT** sections below.)

**TYPE OF FILING:** *(Adoption, Amendment, or Repeal)*

**TIMETABLE FOR ACTION ON THE PROPOSED RULE:** *(Public notice date, end of comment period date and hearing date, if any)*

**SUMMARY OF PROPOSED RULE:** *(In Plain Language provide a statement of the subject matter of the proposed rule. Including the terms or substance of the intended action, OR a description of the issues involved. Include a summary of any non-technical changes between current and proposed regulations.)*

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **[end of comment period, must be at least 30 days from publication of notice]** to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:****Mailing Address:****Email Address:****WHERE COMMENTS MAY BE INSPECTED:****Mailing Address:****PUBLIC HEARING INFORMATION:****Hearing Location Date and Time:****Hearing Location Address:**

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call **[insert telephone number]** or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**ALTERNATIVE PUBLIC HEARING TEXT:**

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**FOR FUTHER INFORMATION CONTACT:**

[ATTN: Name, Title, Division, Agency, Street Address, City, State, Zip. Include Phone Number and Email Address.]

**SUPPLEMENTARY INFORMATION:****Regulatory Analysis Summary and Supporting Documentation:**

[Provide a brief paragraph of the societal cost and benefits and cost of compliance as prepared under R.I. Gen. Laws § 42-35-2.9. Include any citations to scientific or statistical study, report, or analysis that served as a basis for the proposed rule.] For full regulatory analysis or supporting documentation see agency contact person above.

**Authority for This Rulemaking:** (*State Statute, Federal Statute, Federal Regulation, Executive Order*)

**Regulatory Findings:**

In the development of the proposed **[adoption OR amendment OR repeal]** consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Amendment:**

**[Agency Name]** proposes to amend **[RICR citation]** as follows:

*(Attach Full Proposed Regulation with Mark-Ups in RICR format)*

# Appendix 7: Concise Explanatory Statement Template

## CONCISE EXPLANATORY STATEMENT

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In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

**AGENCY:**

**DIVISION:** *(If any)*

**RULE IDENTIFIER:** *(RICR Citation and ERLID of noticed rule and any ERLIDs effected by proposed rule)*

**RULE TITLE:** Provide the full title of the rule.

**REASON FOR RULEMAKING:** Provide a brief description of the reason for the adoption, amendment or repeal of the rule.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:** *(if any)*

**TESTIMONY AND COMMENTS:** Provide the reasons for not accepting arguments made in testimony and comments.

**CHANGE TO TEXT OF THE RULE:** Identify any changes between the text of the rule as proposed and the text of the final rule and explain why these changes were made to the final text. Note that an agency may not file a rule that differs from the rule proposed in the notice of proposed rulemaking unless the final rule is consistent with, and a logical outgrowth of, the rule proposed in the notice.

**REGULATORY ANALYSIS:** Provide the text of the regulatory analysis prepared under R.I. Gen. Laws § 42-35-2.9.

**DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD:** Provide the date that the final rule was approved and signed by the head of your agency.

# Appendix 8: Example Guidance Document Index

Annual Guidance Document Index – [Year]  
[Agency Name and Address]

Effective Date	Title	Where to obtain a copy of Guidance Document (link or instructions how to request document)

# Appendix 9: Example Declaratory Order Index

Annual Declaratory Order Index – [Year]  
[Agency Name and Address]

Effective Date	Title	Where to obtain a copy of the Declaratory Order (link or instructions how to request document)

# Appendix 10: Sample Petition for Promulgation of Rules

*This sample is an example only and not intended to be prescriptive of an agency's requirements under the Administrative Procedures Act. Agencies may choose to disregard this sample.*

**XXX-RICR-XX-XX-XX**

**RICR TITLE NUMBER – NAME (AGENCY NAME)**

**RICR CHAPTER NUMBER – NAME (FUNCTION)**

**RICR SUBCHAPTER NUMBER - NAME (TOPIC)**

**THE RICR PART NUMBER – PETITION FOR PROMULGATION OF RULES**

## **x.1 Purpose**

The purpose of this regulation is to prescribe the form of a Petition for Promulgation of Rules pursuant to R.I. Gen. Laws § 42-35-6 and the procedure for its submission, consideration, and disposition.

## **x.2 Authority**

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-6.

## **x.3 Definitions**

A. The following definitions shall apply to this regulation:

1. "Department" means <insert agency>.
2. "Petition" means a request for the Promulgation of a Rule.
3. "Petitioner" means a person requesting the promulgation of a rule.
4. "Promulgate", with respect to a Rule, means the process of writing a new Rule, or amending or repealing an existing Rule.
5. "Rule" means the whole or a part of an agency statement of general applicability that implements, interprets, or prescribes law or policy or the organization, procedure, or practice requirements of an agency and has the force of law. The term includes the amendment or repeal of an existing

rule. The term is used interchangeably with the term "regulation." The term does not include the exceptions listed in R.I. Gen. Laws § 42-35-1(19)(i)-(vi).

#### **x.4 Request for the Promulgation of a Rule**

- A. A request to Promulgate a Rule must be in writing and include the following information:
1. The name and address of the Petitioner;
  2. A plain statement identifying the rule or proposed new Rule at issue;
  3. A detailed statement of all facts relied upon by the Petitioner;
  4. A plain statement requesting the Promulgation of a Rule, and further indicating whether Petitioner seeks a new Rule or the amendment or repeal of an existing Rule.
    - a. In the case of a request for the repeal of an existing Rule, the Petitioner shall identify the Rule by title and/or RICR citation.
    - b. In the case of a request for an amendment to an existing Rule, the Petitioner must identify with specificity any proposed additions, deletions, or other amendments. New proposed language must be clearly marked using underline formatting for proposed insertions, and strikethrough formatting for proposed deletions.
- B. A request for the Promulgation of a Rule must be submitted to:
- <Insert agency contact information.>

#### **x.5 Consideration and Disposition of Request for the Promulgation of a Rule**

- A. The Department shall promptly consider and respond to the request for the Promulgation of a Rule as provided in R.I. Gen. Laws § 42-35-6.
- B. The Department may, at its discretion and within the thirty (30) day period prescribed by statute:
1. Hold a hearing for further consideration and discussion on the Petition; or
  2. Request further information or documents from the Petitioner necessary for the full evaluation of his or her Petition.



# Appendix 11: Sample Petition for Declaratory Order

*This sample is an example only and not intended to be prescriptive of an agency's requirements under the Administrative Procedures Act. Agencies may choose to disregard this sample.*

**XXX-RICR-XX-XX-XX**

**RICR TITLE NUMBER – NAME (AGENCY NAME)**

**RICR CHAPTER NUMBER – NAME (FUNCTION)**

**RICR SUBCHAPTER NUMBER - NAME (TOPIC)**

**RICR PART NUMBER – DECLARATORY ORDER PETITIONS**

## **x.1 Purpose**

This regulation states the requirements for submitting a request for Declaratory Order under R.I. Gen. Laws § 42-35-8(b), and the procedure for its consideration and prompt disposition.

## **x.2 Authority**

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-8.

## **x.3 Definitions**

A. The following definitions shall apply to this regulation:

1. "Declaratory Order" means an order issued by the Department that:
  - a. Interprets or applies a statute administered by the Department;
  - b. Clarifies whether a rule, guidance document, or order issued by the Department applies to a Petitioner; or
  - c. Clarifies how a rule, guidance document, or order issued by the Department applies to a Petitioner.
2. "Department" means <insert agency>.
3. "Petition" means a request for a Declaratory Order.

4. "Petitioner" means a person requesting a Declaratory Order.

#### **x.4 Request for Declaratory Order: Form and Submission**

- A. A request for Declaratory Order must be in writing and include the following information:
  1. The name and address of the Petitioner;
  2. A plain statement identifying the statute, rule, guidance document, or order at issue;
  3. A detailed statement of all facts relied upon by the Petitioner;
  4. A copy of any and all documents relied upon by Petitioner that are not otherwise accessible to the Department; and
  5. A plain statement requesting a Declaratory Order, and further indicating whether Petitioner seeks:
    - a. An interpretation or application of a statute administered by the Department;
    - b. Clarification as to whether a rule, guidance document, or order issued by the Department applies to Petitioner; and/or
    - c. Clarification as to how a rule, guidance document, or order issued by the Department applies to Petitioner.
- B. A request for a Declaratory Order must be submitted to: <insert agency contact information.>

#### **x.5 Consideration and Disposition of Request for Declaratory Order**

- A. The Department shall promptly consider and respond to the request for Declaratory Order as provided in R.I. Gen. Laws § 42-35-8(c).
  1. Should the Department schedule the matter for further consideration, the Department shall notify Petitioner in writing of the anticipated date on which the Department will grant or deny the request for Declaratory Order.
- B. The agency may, at its discretion:
  1. Hold a hearing for further consideration and discussion on the Petition; or
  2. Request further information or documents from the Petitioner necessary for the full evaluation of his or her petition.

- C. A Petitioner may appeal the Department's final disposition of the request for Declaratory Order as provided in R.I. Gen. Laws § 42-35-15.

# Appendix 12: Sample Conduct of Public Hearings Regulation

*This sample is an example only and not intended to be prescriptive of an agency's requirements under the Administrative Procedures Act. Agencies may choose to disregard this sample.*

**XXX-RICR-XX-XX-XX**

**RICR TITLE NUMBER – NAME (AGENCY NAME)**

**RICR CHAPTER NUMBER – NAME (FUNCTION)**

**RICR SUBCHAPTER NUMBER - NAME (TOPIC)**

**THE RICR PART NUMBER – CONDUCT OF PUBLIC HEARINGS**

## **x.1 Purpose**

To establish a defined set of procedures for the <insert agency> for the conduct of Public Hearings regarding Proposed Rulemaking.

## **x.2 Authority**

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-2(a)(4).

## **x.3 Definitions**

A. For the Purpose of this regulation:

1. "Department" means <insert agency>.
2. "Member of the Public" means any individual, firm, business, corporation, association, partnership or other group.
3. "Presiding Department Official" means the <insert agency> employee conducting the Public Hearing.
4. "Public Hearing" means the convening of Members of the Public and agency personnel for the purpose of obtaining public comment on a Proposed Rulemaking.

5. “Proposed Rulemaking” means a proposed new rule, proposed amendment to a rule or proposed repeal of a rule as noticed pursuant to R.I. Gen. Laws § 42-35-2.7.

#### **x.4 Procedure for Conduct of Public Hearings**

##### **A. Convening of Public Hearing**

1. Public Hearings may be held at the election of the agency or as required pursuant to R.I. Gen. Laws § 42-35-2.8(c).
2. Notice of Public Hearings shall be issued in accordance with the provisions of R.I. Gen. Laws §§ 42-35-2.8 and 42-46-6, when applicable.
3. The Public Hearing shall be held at a time and place designated by the Department.

##### **B. Transcription**

1. The Public Hearing shall be transcribed by a stenographer or audio recorded.
2. For Public Hearings, any official transcript, recording, or memorandum summarizing presentations prepared by an agency official shall be made part of the rulemaking record in accordance with R.I. Gen. Laws § 42-35-2.3(b)(5).

##### **C. Testimony**

1. Oral Testimony
  - a. Members of the public may make oral testimony during the meeting.
  - b. Members of the public who wish to make oral testimony during the meeting must put their name on the speaker list.
  - c. Members of the public will be called to testify in the order which their names appear on the speaker list.
2. Written Testimony
  - a. Written testimony must be submitted via e-mail, fax, hand delivery or regular mail to: <insert contact information>.

##### **D. Disruptive Conduct**

1. Members of the Public attending the Public Hearing shall not cause disruptions, including but not limited to: screaming, loud noises, and

disorderly gesticulations, which interrupt or distract from the testimony of other Members of the Public or from the ability of the Presiding Department Official to conduct the Public Hearing.